

PURPOSE, BACKGROUND AND PROCESS OVERVIEW

I. PURPOSE

The Ready to List and Construction Contract Award Guide (RTL Guide) describes activities, roles and responsibilities required to complete project Plans, Specifications and Estimate, to advertise, open bids, and award the construction contract.

Use the RTL Guide to process projects as defined by Section 10105 of the Public Contract Code. The RTL requirements apply to projects on State highways regardless of funding source.

The RTL Guide requires the Project Engineer (the Engineer of Record signing and sealing the Title Sheet on the Plans) to certify that a project is Ready to List (RTL). This is to ensure that all applicable design, right of way, environmental, regulatory, and statutory conditions have been addressed in the plans, specifications, and estimate. By exercising responsible charge in certifying the project as RTL, the Engineer of Record either personally performs the work or has validated the qualifications of any contributing technical specialists and the applicability of their work (per the Board for Professional Engineers and Land Surveyors California Code of Regulations, Title 16, Division 5, §§ 400-474.5).

The Project Engineer and others involved in project delivery use this Guide to complete final Plans, Specifications, and Estimate (PS&E), produce, advertise, open bids, and award construction contracts.

II. BACKGROUND

Section 10120 of the Public Contract Code (part of the State Contract Act) states:

"Before entering into any contract for a project, the Department shall prepare full, complete, and accurate plans and specifications and estimates of cost, giving such directions as will enable any competent mechanic or other builder to carry them out."

In the Public Contract Code section cited above, the terms *"full, complete, and accurate"* can be defined as follows:

- *"Full"* means that all existing and proposed elements necessary to bid and build the project within scope are included.
- *"Complete"* means that all elements are detailed.
- *"Accurate"* means that all elements comply with statutory and departmental requirements, field conditions are correctly depicted, and the Plans, Specifications, and Estimate are consistent.

DES-OE advertises contracts after districts complete policy, statutory, and regulatory requirements. The district must complete these requirements, working in conjunction with DES-OE, other Project Delivery Divisions, and, if required, by the Federal Highway Administration (FHWA) before DES-OE considers placing them on a list of projects proposed for advertisement.

The Department defines RTL as complete when all RTL requirements in this Guide are met and the completed signed and sealed RTL Certification is received in DES-OE.

Projects are advertised when they are RTL and funds are approved and allocated in an amount sufficient to cover the capital construction estimate. Once advertised, contracts proceed to bid opening, award, and approval. To complete the award process, funds must be sufficient to provide the total cost based on the low bid amount. In addition, the contractor must be validated as the lowest responsible bidder according to the appropriate policies, statutes, and regulations governing State and federal contracts. DES-OE has the primary responsibility for contract advertisement, bid opening and award with input from the districts and Divisions.

This Guide has been developed in concert with FHWA to verify completion of various federal requirements. Access the Department/FHWA stewardship agreements at:

<http://www.fhwa.dot.gov/cadiv/docs/stewardship.htm>

III. PROCESS OVERVIEW

The following definitions are from the Workplan Standards Guide version 9.0.

Project Submittal Ready To Process (PS&E):

The product from this activity is a complete project submittal from the district to DES-OE ready for processing.

Draft Contract Comments (DCC):

The product from this activity is a list of potential violations of legal, cost effective standards.

Draft Contract Comment Response (DR):

The product from this activity is a resolution to the list of non-conforming legal, cost effective standards.

Draft Contract Ready (DCR):

The product of this activity is a draft contract ready for advertisement once RTL requirements are completed and funding is available.

Ready to List (RTL):

The product from this activity is a draft contract, ready to list for advertisement and ready to begin final bid document preparation (if funds are available to cover construction and construction windows allow).

Contract Ready for Advertising:

The product of this activity is contract bid documents ready for advertising.

Advertised Contract:

The product of this activity is an advertised contract and addenda.

Bids Opened:

The product of this activity is bids opened.

Contract Award:

The product of this activity is an awarded contract.

Executed and Approved Contract:

The product of this activity is an approved contract ready for construction.

Independent Assurance (IA):

The product of this activity is an independent assurance report and continuous improvement process reviews and training.

Figure A is an overview of the sequence of activities and their associated milestones. Each activity and milestone is discussed below. Bold text in the figure and the process definitions indicate milestones.

Figure A
RTL Process

